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Attorneys for Defendants

UBER TECHNOLOGIES, INC.,

RASIER, LLC, and RASIER-CA, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES,
INC., PASSENGER SEXUAL
ASSAULT LITIGATION

Case No. 3:23-md-03084-CRB

**DECLARATION OF MICHAEL B.
SHORTNACY IN SUPPORT OF RENEWED
ADMINISTRATIVE MOTION TO SEAL
SETTLEMENT AGREEMENT AND QUOTED
LANGUAGE PROVIDED TO THE COURT
ON MARCH 1, 2024 PURSUANT TO
FEBRUARY 29, 2024 ORDER**

This Document Relates to:

ALL ACTIONS

Judge: Hon. Lisa J. Cisneros

Courtroom: G – 15th Floor

DECLARATION OF MICHAEL B. SHORTNACY

I, Michael B. Shortnacy, declare as follows:

1. I am a partner at the law firm of Shook, Hardy & Bacon, LLP, representing Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC (“Uber”). I am a member in good standing of the Bar of the States of California, New York, and the District of Columbia. I make this declaration based upon matters within my own personal knowledge and if called as a witness, I could and would competently testify to the matters set forth herein.

2. I respectfully make this declaration in support of Uber’s Renewed Administrative Motion to seal Exhibits 1-3 containing a confidential Settlement and Release Agreement from an unrelated court case, involving non-parties to this litigation, and quoted language from the settlement agreement contained in Uber’s Notice of Submission that were lodged with the Court on March 1, 2024, pursuant to Civil Local Rules 7-11 and 79-5. I have reviewed Exhibit A filed in connection with the Renewed Administrative Motion to Seal.

3. Exhibits 1-3 materials include personal identifying information of non-parties involved in other unrelated cases and financial information relating to the non-parties.

4. The language contained in the confidential agreement submitted to the Court contains clear language evidencing an intent to maintain the agreements as confidential between the parties.

5. The materials in Exhibits 1-3 contain confidential information that would cause harm if publicly disseminated.

6. Uber files the Settlement and Release Agreement under seal, along language quoted from confidential settlement agreements in two documents: (1) Defendants’ Submission of Settlement Agreements and Protective Orders (ECF No. 293-3) and (2) Plaintiffs’ Response to Defendants’ Argument in Connection with filing of Settlement Agreements and Protective Orders (ECF No. 298-3) pursuant to the Court’s express instruction at the February 22, 2024 hearing. *See* Tr. at 45:11□15;¹

¹ “MAGISTRATE JUDGE CISNEROS: So just for clarity, if you all could file ... File under seal, you know, one to five exemplars of these confidentiality provisions. And I would prefer to get the entire settlement agreement with the identifying information redacted.”

1 *see also* Minute Entry, 3:23-md-3084-CRB, ECF No. 283 (Feb. 22, 2024) (“The parties may file this
2 material with motions to seal.”). Sealing the submitted Settlement Agreement and any language
3 directly quoted from exemplar Settlement and Release Agreements should be sealed in accordance
4 with the Court’s instruction. Because motion for leave to file under seal is made in accordance with
5 express Court instruction, Uber has not endeavored to obtain a stipulation from Plaintiffs.

6
7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct.

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10 DATED: March 1, 2024

11 /s/ Michael B. Shortnacy

12 Michael B. Shortnacy
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